

Special Education Programs

2019-2020 Dispute Resolution Report

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Individual Education Program (IEP) Facilitation:

A facilitated IEP meeting is an IEP meeting that includes an impartial facilitator who promotes effective communication and who assists the IEP team in developing an acceptable IEP. The facilitator keeps the team focused on the proper development of the IEP while addressing conflicts that arise. IEP facilitation is not used to resolve disputes unrelated to the IEP. IEP facilitation is not required by federal mandates and is states choice to utilize.

Results:

- In 2019-20 there were a total of six requests for IEP facilitation.
 - Three of the requests came from districts
 - 2 of the requests were successful
 - 1 of the requests was not successful and went to due process
 - Three of the requests were filed by a parent(s) and were successful
 - One of the three was related to due process
- **Issues consisted of:**
 - IEP Development
 - Placement of student
 - Compensatory Education

Mediation:

Mediation refers to a process conducted by a qualified and impartial mediator to peacefully resolve a disagreement between a parent and public agency. Both parties will sign a legally enforceable written agreement.

Results:

- In 201920 there was a total of seven requests for mediation.
 - One was requested by school district(s) and was successful
 - Three were requested by parent(s) or guardian and were successful
 - One of these was requested through the complaint process
 - One was requested by Disability Rights of South Dakota on behalf of the parent as part of due process and was successful.
 - Two were requested on behalf of parent attorney as part of due process
 - One was denied by the district
 - One was successful
- **Issues resolved consisted of:**
 - Placement of student
 - IEP Development and transition
 - Nursing Services

Complaint Investigation:

Any parent of a child with a disability, another individual, agency or organization that believes a school district is not following state or federal laws or regulations related to the Individuals with Disabilities Education Act (IDEA) may file a formal complaint with the Department of Education.

Results:

- In 2019-20 there was a total of 14 complaint requests (increase by 5 from previous year):
 - Two attempted mediation which was successful.
 - Both cases the complaints were withdrawn
 - One parent filed and withdrew their request due to process not what they anticipated
 - One request was withdrawn due to parties coming to an agreement independently.
 - 10 complaints were investigated
 - 2 complaints no issues were found
 - 8 complaints had findings and required corrective actions
- **Findings noted:**
 - IEP development and Implementation
 - Behavior plans
 - Restraint/Seclusion
 - Discipline Procedures
 - Parent Involvement
 - Transition
 - Placement
 - Failure to make progress

Due Process Hearings:

A request for a due process hearing is a formal written document related to disagreements about the identification, evaluation, or education placement of a child with a disability.

Results:

- In 2019-20 there was a total of four due process hearing requests:
 - Three due process hearing requests were dismissed due to settlement through mediation or resolution
 - One parent withdrew her request for due process hearing
- **Findings noted:**
 - Nursing Services
 - Placement

Progress from discussion last year:

- Continue to work with parent connections to provide training and support to parents.
 - Navigator Program
 - Provides training and support to parents and school districts
 - Collaborates with DOE to provide training
 - Navigator program shares information at conferences, parent nights at

school districts, and many other opportunities

- Provide training to new and senior district administrators on dispute resolution options through webinars. Webinars are recorded and available on our website.

Resources:

South Dakota Dispute Resolution website: <http://doe.sd.gov/sped/complaints.aspx>.